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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUL 13 2010

Dr. Alicia M. Roy
Superintendent of Schools
New Fairfield Public School District
3 Brush Hill Road
New Fairfield, Connecticut 06812

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a)
and 761.79(h)
Meeting House Hill School
New Fairfield, Connecticut

Dear Dr. Roy:

This is in response to the New Fairfield Public School District (the District) Notification¹ for approval of a proposed PCB cleanup of the 400 Wing building located at the Meeting House Hill School, 24 Gillotti Road, New Fairfield, Connecticut (the Site). The Site contains caulk that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a) and § 761.62. Specifically, caulk with PCB concentrations at greater than or equal to (\geq) 50 parts per million (ppm) has been identified around mechanical units and on the roof overhang on the 400 Wing building. PCBs at less than ($<$) 50 ppm have been identified around windows and doors.

In its Notification, the District has proposed the following PCB cleanup and disposal plan:

- Remove and dispose of all PCB caulk, including the < 50 ppm PCB caulk;
- Mechanically remove 2 to 3 inches of surrounding *non-porous surfaces* (i.e. metal surrounds) to achieve less than or equal to (\leq) $1 \mu\text{g}/100 \text{ cm}^2$ for either disposal or recycling of the remaining metal structure; and,
- Dispose of all wastes in accordance with §§ 761.61 and 761.62.

¹ Information was prepared and submitted on your behalf by HYGENIX, Inc. to satisfy the requirements under 40 CFR §§ 761.61(a) and 761.79(h). Information was submitted dated May 28, 2010, June 8, 2010; July 8, 2010 (via e-mail); July 9, 2010 (via e-mail); and, July 11, 2010 (via e-mail). These submissions shall be referred to as the "Notification."

Based on EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61, 761.62, and 761.79(h) for removal and disposal of *PCB bulk product waste* and PCB-contaminated *non-porous surfaces* (i.e. metal surfaces). Further, the proposed removal and disposal activities are consistent with the requirements established under § 761.61(a), § 761.62, § 761.79 for similar types of PCB-contaminated materials.

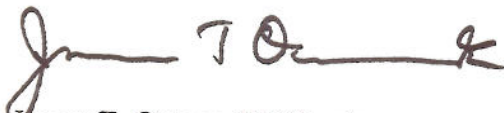
The District may proceed with its cleanup in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

This Approval only addresses cleanup and disposal of the *PCB bulk product waste* and *PCB remediation waste* identified in the Notification and located at the 400 Wing building. As indicated in the Notification, the District has identified PCB caulk located in its other buildings and will be submitting separate cleanup plans to address these areas.

The Notification also indicates that the District is in the process of conducting indoor air and surface wipe sampling to determine if any additional interim measures are necessary until the PCB cleanup can be completed in the summer 2012. Accordingly, EPA is requesting that the District submit the results of this sampling to EPA for its review. In addition and based on EPA's discussions with Mr. Jim Twitchell of HYGENIX Inc., EPA understands that the District will be preparing an outreach plan to the school community regarding the status of the PCB cleanup at the Meeting House Hill School. EPA is requesting that the District provide this outreach plan to EPA given that the PCB cleanup will be phased over 2 years.

EPA shall not consider this Phase I project (400 Wing building) complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens, III Director
Office of Site Remediation & Restoration

cc: J. Twitchell, HYGENIX, Inc.
G. Trombly, CTDEP
B. Toal, CTDPH
File

Attachment 1

ATTACHMENT 1

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS MEETING HOUSE HILL SCHOOL 400 WING BUILDING ("the Site") NEW FAIRFIELD, CONNECTICUT

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located in the 400 Wing (also known as "the Butler Building") and identified in the Notification.
2. The New Fairfield Public School District (the District) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The District must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the District shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The District is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the District has or receives information indicating that the District or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the District are authorized to conduct the activities set forth in the Notification. The District is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the District from compliance with any applicable requirements of federal, state or local law; or 3) release the District from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the District of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The District shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or remediation contractor(s), detailing the procedures that will be employed for removal of PCB-contaminated materials and containment design during PCB cleanup/removal activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type and for equipment decontamination; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL and DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk (i.e. *PCB bulk product waste*) shall be removed as described in the Notification.

- b. The decontamination standard for *non-porous surfaces* (i.e. metal surfaces) shall be less than or equal to (\leq) 1 $\mu\text{g}/100\text{ cm}^2$ PCBs for disposal or for recycling.
 - i) All post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100\text{ cm}^2$) and samples shall be collected as described in the Notification.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
 - iii) For decontaminated *non-porous surfaces* that have PCB concentrations exceeding the decontamination standard, the District may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these materials as TSCA-regulated waste in accordance with 40 CFR Part 761.
 - iv) In lieu of conducting decontamination, PCB-contaminated *non-porous surfaces* shall be stored and disposed of in accordance with 40 CFR Part 761.
- 13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The District shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the District to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. The District shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the District in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
19. The District shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results, copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the estimated quantity of building materials that were disposed of and/or recycled; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer.

20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1